

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

**MANUELA CHACON,**  
*Plaintiff,*

**v.**

**DAVIS & DAVIS TIRE REPAIR AND  
TRUCK TRANSPORTING, INC.,**  
*Defendants.*

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**CIVIL ACTION NO. \_\_\_\_\_**

**NOTICE OF REMOVAL**

Defendant **DAVIS & DAVIS TIRE REPAIR AND TRUCK TRANSPORTING, INC.** (hereafter “Defendant”) files this Notice of Removal for the purpose of removing this cause to the United States District Court for the Northern District of Texas, Dallas Division, and states as follows:

**I. STATE COURT ACTION**

This is an action filed on or about March 21, 2016 in the 298<sup>th</sup> District Court of Dallas County, Texas, being numbered DC-16-03270. Suit was filed by Plaintiff Manuela Chacon (hereafter “Chacon”) to recover damages arising out of a motor vehicle accident occurring on or about October 16, 2014, in Dallas County, Texas. Plaintiff alleges damages and seeks monetary relief in excess of \$200,000.00.

**II. FEDERAL JURISDICTION**

Plaintiff Manuela Chacon is a citizen of the state of Texas for diversity purposes.

Defendant Davis & Davis Tire Repair and Truck Transporting, Inc. is a citizen of the State of Illinois, where it is incorporated and has its principal place of business.

The amount in controversy is in excess of \$75,000, exclusive of interest and costs. There is, therefore, complete diversity of citizenship and a sufficient amount in controversy to confer

jurisdiction on this court pursuant to 28 U.S.C. §1332. The above-described civil action is therefore one that may be removed pursuant to 28 U.S.C. §§1332, 1441, and 1146 and is hereby removed.

### **III. STATE COURT DOCUMENTS ATTACHED**

This Notice of Removal has been filed within thirty (30) days after receipt through service or otherwise, of Plaintiff's Original Petition, filed in the 298<sup>th</sup> District Court of Dallas County, Texas. Plaintiff's Original Petition was served on Defendant on April 14, 2016. Removal is therefore timely under 28 U.S.C. §1446(b). Pursuant to 28 U.S.C. § 1446(a), Defendant has filed as the Appendix to this Notice of Removal a complete copy of the State's Court file, including copies of all process, pleadings, orders and the Summary Sheet in the State Court action.

Pursuant to 28 U.S.C. § 1446(d), Defendant will notify the Clerk of the Court in the State Court action of this removal, and will give notice thereof to all adverse parties.

### **IV. RELIEF REQUESTED**

Defendant Davis & Davis Tire Repair and Truck Transporting, Inc. respectfully requests that Cause No. DC-16-03270 in the 298<sup>th</sup> District Court of Dallas County, Texas, be removed to the United States District Court for the Northern District of Texas, Dallas Division, and that this Court accept this Notice of Removal and that it assume jurisdiction of this case and issue such further orders and processes as may be necessary to bring before it all parties necessary for the trial hereof.

Respectfully submitted,

**MARTIN, DISIERE, JEFFERSON & WISDOM, L.L.P.**

By: /s/Mark J. Dyer

**MARK J. DYER**

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**ATTORNEYS FOR DEFENDANT**

**DAVIS & DAVIS TIRE REPAIR AND TRUCK  
TRANSPORTING, INC.**

**CERTIFICATE OF SERVICE**

This is to certify that a true and correct copy of the foregoing instrument has been mailed, e-mailed, telecopied or hand delivered to all attorneys of record, in compliance with the FEDERAL RULES OF CIVIL PROCEDURE, on this the 4<sup>th</sup> day of May, 2016.

/s/ Mark Dyer

**Mark J. Dyer**